

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SENECA SMITH,

Plaintiff,

vs.

AUTOZONE, INC., and DOES 1–100,

Defendants.

Case No.: 12-cv-06438-YGR

**ORDER GRANTING MOTION TO WITHDRAW  
AS COUNSEL AND CONTINUING HEARING ON  
MOTION TO MODIFY CASE MANAGEMENT  
AND PRETRIAL ORDER**

Plaintiff's counsel has filed a Motion to Withdraw as Counsel. (Dkt. No. 23.) Defendant has filed a Non-Opposition to this Motion. (Dkt. No. 26.) Good cause appearing, the Court hereby **GRANTS** the Motion to Withdraw as Counsel, *effective upon filing a proof of service of this Order upon Plaintiff and certification as set forth below.*<sup>1</sup>

Lawrance Bohm and Bianca Saad shall certify and provide to the Court Plaintiff's current and/or last known address. If they have not already, Mr. Bohm and Ms. Saad shall serve copies of all pending motions and responses thereto upon Plaintiff and all operative scheduling orders. They shall also certify to the Court that these have been served upon Plaintiff.

Plaintiff in this matter, Seneca Smith, is hereby notified that the Court is **CONTINUING** the hearing on the Motion to Modify Case Management and Pretrial Order (Dkt. No. 24) to **December 3, 2013 at 2:00 p.m.** The hearing on the Motion to Enforce the Settlement Agreement will also be heard on December 3, 2013. Mr. Smith or new counsel representing him must appear at the

<sup>1</sup> Pursuant to Federal Rule of Civil Procedure 78(b) and Civil Local Rule 7-1(b), the Court finds that the Motion to Withdraw as Counsel is appropriate for decision without oral argument. Accordingly, the Court **VACATES** the hearing scheduled for November 19, 2013.

1 hearings on these motions, or the case may be dismissed for failure to prosecute. A trial date is  
 2 currently set for April 21, 2014. In addition:

3 1. Mr. Smith is hereby notified of the following effects of this Order on him:

4 **NOTICE TO CLIENTS**

5 Your present attorneys will no longer be representing you. You may not in most cases  
 6 represent yourself if you are one of the parties on the following list:

- |                               |                                 |                 |
|-------------------------------|---------------------------------|-----------------|
| 7 • A guardian                | • A conservator                 | • A trustee     |
| 8 • A personal representative | • A probate fiduciary           | • A corporation |
| 9 • A guardian ad litem       | • An unincorporated association |                 |

10 If you are one of these parties, **YOU SHOULD IMMEDIATELY SEEK LEGAL ADVICE**  
 11 **REGARDING LEGAL REPRESENTATION.** Failure to retain an attorney may lead to an order  
 12 striking the pleadings that have been filed on your behalf or to the entry of a default judgment  
 13 against you.

14 2. Mr. Smith is notified that if he will be representing himself, he shall be solely  
 15 responsible for the case.

16 **NOTICE TO CLIENT WHO WILL BE UNREPRESENTED**

17 You will not have an attorney representing you. You may wish to seek legal assistance. If  
 18 you do not have a new attorney to represent you in this action or proceeding, and you are legally  
 19 permitted to do so, you will be representing yourself. It will be your responsibility to comply with  
 20 all court rules and applicable laws. **If you fail to do so, or fail to appear at hearings, action may**  
 21 **be taken against you. You may lose your case.**

22 3. Mr. Smith is notified that it is his duty to keep the Court informed at all times of the  
 23 his current address. The Court needs to know how to contact you.


24 **NOTICE TO CLIENT WHO WILL BE UNREPRESENTED**

25 If you do not keep the Court and other parties informed of your current address and  
 26 telephone number, they will not be able to send you notices of actions that may affect you,  
 27 including actions that **may adversely affect your interests or result in your losing your case.**

28 This Order terminates Dkt. No. 23.

**IT IS SO ORDERED.**

Dated: November 12, 2013

  
YVONNE GONZALEZ ROGERS  
UNITED STATES DISTRICT COURT JUDGE

United States District Court  
Northern District of California